

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

JOSEPH SHANE ENDICOTT,)
)
Plaintiff,)
)
vs.) Case No. 15-CV-0660-ODS
)
)
BRAD DELAY, et al.,)
)
Defendants.)

ORDER GRANTING DEFENDANT KAREN DOREY'S MOTION TO DISMISS PARTY

Plaintiff Joseph Endicott ("Plaintiff") was a pretrial detainee at Lawrence County Jail in Mt. Vernon, Missouri. He filed a Complaint against various defendants asserting claims under 42 U.S.C. § 1983. Plaintiff initially proceeded *pro se* in this matter. Doc. #5. However, on December 7, 2015, an entry of appearance was filed, and Robert Torp entered an appearance and began representing Plaintiff in this matter.¹ Doc. #27. Given that Defendant Dr. Karren Dorey's ("Dr. Dorey") motion to dismiss (Doc. #23) was pending at the time Mr. Torp entered this case, Mr. Torp requested and was granted an extension of time to respond to Dr. Dorey's motion. Doc. #28, Doc. #29. In the meantime, the Court received briefing on Dr. Dorey's motion directly from Plaintiff, but allowed Mr. Torp to supplement Plaintiff's briefing on the matter. Doc. #32.

On April 22, 2016, the Court granted Dr. Dorey's motion to dismiss, but gave Plaintiff leave to amend his complaint. Doc. #47. The Court directed Plaintiff to file his amended complaint on or before May 11, 2016. *Id.* On April 28, 2016, Plaintiff submitted a letter to the Court indicating he has received no recent communication from counsel and asked the Court to send him any new information about his case. Doc. #48. The Court denied his request because Plaintiff was represented by counsel. Doc. #49.

¹ The entry of appearance, although signed by Mr. Torp, was filed under attorney Stuart Huffman's ECF account.

Plaintiff's counsel did not file an amended complaint before May 11, 2018. On May 13, 2016, the Court issued an order providing Plaintiff with a brief extension until May 18, 2016 to file an amended complaint and warned that failure to do so would result in dismissal of the case. Doc. #50. On May 16, 2016, Mr. Torp filed a motion to withdraw as counsel. Doc. #51. On May 18, 2016, attorney Stuart Huffman, of the same law firm as Mr. Torp, filed a motion for extension of time to file an amended complaint. Doc. #52. Mr. Huffman explained Mr. Torp left the law firm and requested an additional 45 days to investigate the matter and file an amended complaint. *Id.* On May 23, 2016, the Court granted Mr. Huffman's request, directing Mr. Huffman to file an amended complaint on or before July 5, 2016. Doc. #54. Plaintiff's counsel did not file an amended complaint on or before July 5, 2016. Therefore, the Court grants Dr. Dorey's motion to dismiss (Doc. #23) without prejudice.

IT IS SO ORDERED.

DATE: July 7, 2016

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT